

## **MEETING #11 March 9**

At a Regular Meeting of the Madison County Board of Supervisors on March 9, 2010 at 3:00 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman  
J. Dave Allen, Member  
Jerry J. Butler, Member  
Pete J. Elliott, Member  
V. R. Shackelford, III, County Attorney  
Lisa A. Robertson, County Administrator  
Jacqueline S. Frye, Secretary

ABSENT: James L. Arrington, Vice-Chairman

Chairman, Eddie Dean called the meeting to order and stated that James L. Arrington is out of the County and will be absent from today's session; however, a quorum is present and the Board can conduct business.

### **IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Donald Gore, Resident Engineer, was present and provided the following report for February 2010: there were five (5) incidents of snow/ice during the month of February; the department has been spotting stone, blading, repairing potholes and removing brush, debris and dead animal carcasses; he also reported there has been some minor flooding (melting snow/ice); he also stated the County's estimated funding for the Six Year Road Improvement Plan is \$47,958.00 – he will be scheduling a meeting with Lisa Robertson, County Administrator, to discuss any goals for Madison County during the upcoming year.

Donald Gore, Resident Engineer, introduced Mr. Jim Utterback, District Administrator.

Jim Utterback, District Administrator, provided a brief overview of the blueprint of recent changes throughout the Virginia Department of Transportation, which is the first of several communications regarding changes that will be taking place; he also stated that Donald Gore will be retiring at the end of April 2010 and there will be a

transitioning period; also stated the State has experienced a historic year for snowfall from December 18, 2010 through February 15, 2010 – the district was operating twelve (12) hour shifts (i.e. twenty-four hour [24] emergency operations) because of the extensive snowfall and there was more than seventy inches (70”) of snowfall recorded which depleted the existing budget with actual statewide costs being about \$180 million (\$4.5 million was budgeted for the entire district); he also provided an outline of the changes that will be made within the district, in that the Culpeper and Louisa District offices will be closing - one (1) shop in Louisa and one (1) shop in Orange will remain open; remaining residencies will focus on maintenance issues only; all Six Year Improvement Plan procedures will be handled through the District Office (Richmond); he also advised the Madison fiscal assistant position (telephone operator) has been eliminated and the Department will operate a statewide call center to handle citizens issues/concerns; he also provided an overview of the positions that were eliminated and an outline of consolidated phasing procedures, the district is currently operating with 442 employees (was 705 in 2004); he also stated the Warrenton Office will be the point of contract to resolve maintenance issues within this region.

Jim Utterback, District Administrator, stated there have been concerns on behalf of Madison County regarding land development issues; however, he advised there will be no changes and these types of functions and they will continue to be handled out of the district office, along with any secondary procedures; he was unsure as to whether the Virginia Department of Transportation will continue to commit to have a representative attend the monthly Board meetings (for Madison County) as has been done in the past. In closing, he stated that correspondence will be forthcoming shortly from the Commissioner of Transportation that will outline additional plans for the future.

Pete J. Elliott verbalized concerns as to the amount of response time that will be involved before action is taken on calls that are made to the statewide call center as opposed to the current procedure.

Jim Utterback, District Administrator, advised he was unsure of the amount of response time that will be involved, but the Virginia Department of Transportation is

planning to use the same system currently utilized for “Miss Utility” – these calls will be entered into the system and will be handled accordingly, based on whether the call is of an urgent nature or routine - details for the system are being addressed at the present time.

Donald Gore, Resident Engineer, recounted that Madison County has held a Public Hearing on the Six Year Road Improvement Plan in past years, but there is no requirement to hold a session this year as it only has to be every other year, therefore, he suggested the Board can hold a Public Hearing on the Six Year Road Improvement Plan and a Budget Public Hearing, if so desired, or only a Budget Public Hearing, during the upcoming month.

## **IN RE: PAYROLL & CLAIMS**

### **Certificate of Claims – Capital Fund (February - FY2010)**

Chairman, Eddie Dean stated the Board will need to approve the Certificate of Claims for the Capital Fund for February – FY2010, (Checks #10132798, 2859-2860; 2926-2927; 2972) totaling \$298,474.42 - all expenditures are for the Courthouse Project.

After discussion, on motion of Pete J. Elliott, seconded by Jerry J. Butler, the Certificate of Claims for the Capital Fund (Checks #10132798, 2859-2860; 2926-2927, 2972) totaling \$298,474.42, are hereby approved, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

### **Certificate of Claims – General Fund (February – FY2010):**

Chairman, Eddie Dean stated the Board will need to approve Certificate of Claims for the General Fund for February 2010 - FY2010, totaling \$1,015,650.48, (Checks #10132799-2858; 2861-2925; 2928-2971, Payroll Electronic Transfer 3565-3682, Payroll Checks #30110734-736 and Payroll Expense Checks #30110737-745 and Payroll Direct Deposits 3679-3682).

After discussion, on motion of J. Dave Allen, seconded by Jerry J. Butler, the aforementioned Certificate of Claims – General Fund (February 2010 – FY2010) totaling \$1,015,650.48, (Checks #10132799-2858; 2861-2925; 2928-2971, Payroll Electronic Transfer 3565-3678, Payroll Checks #3011073r-745 and Payroll Expense Checks #30110737-745 and Payroll Direct Deposits 3679-3682), with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

#### **Supplements – March 2010 (FY2010)**

|              |                        |             |                                    |                    |
|--------------|------------------------|-------------|------------------------------------|--------------------|
| 1.           | Parks & Recreation     | #71100-5690 | Youth Programs                     | \$3,599.75         |
|              | Rev. Approp.           | #10-161201  | Park & Rec. Monthly Dep.           |                    |
| 2.           | Parks & Recreation     | #71100-5691 | Health Fitness                     | \$ 798.74          |
|              | Rev. Approp.           | #10-161201  | Park & Rec. Monthly Dep.           |                    |
| 3.           | Parks & Recreation     | #71100-5693 | Memorial Program                   | \$4,700.00         |
|              | Rev. Approp.           | #10-180914  | Gifts/Donations/Contributions      |                    |
| 4.           | Animal Control & Fac.  | #35103-5693 | Memorial Program – Shelter         | \$1,585.00         |
|              | Rev. Approp.           | #10-180914  | Gifts/Donations/Contributions      |                    |
| 5.           | Sheriff – Law Enf.     | #31200-6009 | Vehicle Maint – Ins. Proceeds      | \$2,780.28         |
|              | Rev. Approp.           | #10-180915  | Insurance Claims & Adjustments     |                    |
| 6.           | Debt Service           | #95104-9111 | Debt Service-Capital Lease (Veh.)  | \$ 148.97          |
|              | Rev. Approp.           | #10-499999  | Accumulated Fund Balance           |                    |
| 7.           | Sheriff – Law Enf.     | #31200-8106 | Add'l. equip on Leased Veh.        | \$5,914.74         |
|              | Rev. Approp.           | #10-499999  | Accumulated Fund Balance           |                    |
| 8.           | Treasurer              | #12410-5210 | Postage – Ref. from outside source | \$ 364.35          |
|              | Rev. Approp.           | #10-180301  | Rebates & Refunds                  |                    |
| 9.           | Clerk of Circuit Court | #21700-4998 | Library Grant-Add'l Monies         | \$4,998.00         |
|              | Rev. Approp.           | #10-240107  | Other Programs & Grants            |                    |
| <b>TOTAL</b> |                        |             |                                    | <b>\$24,889.83</b> |

After discussion, on motion of Jerry J. Butler, seconded by Pete J. Elliott, the Board voted to approve the supplemental appropriations as presented, totaling **\$24,889.83**, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |

Pete J. Elliott

Aye

**\*County Administrator's Recommendations – Other Units\***

|                       |            |                        |             |
|-----------------------|------------|------------------------|-------------|
| 1. School Operational | #23-241004 | Remedial Summer School | \$36,519.00 |
|-----------------------|------------|------------------------|-------------|

After discussion, on motion of Pete J. Elliott, seconded by J. Dave Allen, the Board voted to approve the County Administrator's Recommended supplemental appropriation for the Madison County School System Remedial Summer School Program, totaling **\$36,519.00**, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

Dr. Brenda Tanner, Superintendent, was present and stated the aforementioned funding was originally appropriated for \$3,819.00; however, the School system received a check for \$40,338.00 and the difference will need to be appropriated; she explained the procedures utilized in order to determine the amount of funding and also cautioned there might be a request for the additional funds to be returned in the future.

**IN RE: COUNTY FACILITIES**

Lisa Robertson, County Administrator, advised that Ross Shifflett, Director of Facilities, would be absent from today's session due to illness – a monthly report for his department has been provided.

**IN RE: SOCIAL SERVICES & CSA**

Lisa Robertson, County Administrator, advised that Nan Coppedge, Director of Social Services will be absent from today's session – a monthly report has been provided for her departmental activities.

**N RE: SCHOOL SYSTEM**

Dr. Brenda Tanner, Superintendent, was present and stated the Madison County High School basketball team is doing very well and will be traveling to

Richmond for the next competition – transportation will be provided by Rappahannock Travel (coach service) at a cost of \$25.00 per person for all who wish to travel to Richmond to support the high school team; the Madison County School Board members are continuing to work on the budget – information has been received from the House and Senate with both budget packages showing variable differences, and it is unknown as to what the finalization will be; she also stated there has been discussion about the Virginia Retirement System rates the Governor is establishing and what the Senate and House are also proposing – if there is a decline in this rate, it will create a decrease in the school's expenditures which will offset some of the cuts in revenue; also stated the House version (of the budget) has an item called the "Lottery Block Grant" and more programs are being moved from the basic "aide" category into the 'lottery funded" category – also some of the 'at risk' programs are being rolled into what is be considered as a 'block grant' – the only guidelines that can be attained at this point denote \$174,000.00 in terms of what is earmarked; however, these funds are contingent upon leftover lottery funds this year effective June 30, 2010; she also stated it will be beneficial if the Senate and House hold of on taking action on the proposed composite index rate (i.e. Senate budget shows 100% and House budget shows 80%); also stated the Madison County School Board is trying to devise a back up plan to accommodate the final numbers; the Madison County School Board will meet again on March 24, 2010 to make revisions to the school budget; the first process in workforce reduction has been initiated (i.e. twelve [12] positions), and all who will be effected by the initial budget have been notified.

Dr. Brenda Tanner, Superintendent, stated the Madison County School Board also had a work session to evaluate the work done about two years ago on the School facilities (Madison County High School & Wetsel Middle School) in an attempt to create a 'pull down' list of item that will be considered for the next five (5) to ten (10) years which are deemed to be essential in order to maintain the buildings for the long term; will work with Lisa Robertson, County Administrator, to schedule a Joint Session to discuss the details of this proposal.

In closing, Dr. Brenda Tanner, Superintendent, stated a power point presentation was given by a group of seven year old students at last night's meeting.

J. Dave Allen asked about the potential reduction in the school's workforce and wanted to clarify that the individuals who will be effected have been notified that they 'will not have a job next year', to which Dr. Tanner, Superintendent, advised was correct; she also stated there is a policy in place regarding workforce reductions and these individuals were notified that the decision was based on the budget information received from Richmond; she also stated there are state guidelines in place that must be followed with regard to the notification timeline for individuals who are contracted employees.

Jerry J. Butler asked if the all of the above referenced positions were 'active', to which Dr. Brenda Tanner, Superintendent, advised that all were not; however, she also indicated that out of the twelve (12) positions, there are possibly five (5) or six (6) individual who are not planning to retire and some positions were filled with substitutes during the year; she also explained that some employees were "re-positioned after other employees retired.

Pete J. Elliott asked if the school system has already begun implementing workforce reductions, to which Dr. Brenda Tanner, Superintendent, advised there has only been 'freezing (of positions)' during this year, and vacancies were not filled but 're-positioned with someone who did not have currently have a position.

Dr. Brenda Tanner, Superintendent, also stated that several of the vacancies will involve Instructional Assistants that work directly with students in the classrooms - if they were in a position where there was direct instruction to students, such positions were filled with a long-term substitute. Additionally, she stated these individuals have also been notified of the anticipated workforce reduction. Additionally, there may be some shifting of individuals to fill other vacancies, as adjustments will need to be made as some reductions dealt with individuals who worked directly with special needs students, etc.

Tracey Williams-Gardner, Director of Tourism, also clarified the bus that has offered to transport supporters to the basketball game will be at the Madison County Firehouse on Thursday, March 11, 2010 at 10:00 a.m.

## **IN RE: CHAMBER OF COMMERCE**

Tracey Williams-Gardner, Director of Tourism, was present and provided the following report for February 2010: the business expo invitations have gone out – the event is scheduled for May 20<sup>th</sup>; met with Laura Coburn, Regional Business & Economic Development Specialist, from the Virginia Employment Commission – she plans on having a table at the Business Expo and information as been sent to all members from her office; also stated there were corrections to the community calendar (i.e. noted Sweely’s “Fireside Friday” event was noted as having the Chamber’s telephone number and being hosted each Friday) and clarified that Sweely’s “Fireside Friday” event is held on the 2<sup>nd</sup> and 4<sup>th</sup> Friday (not every Friday); visitor center had only (20) true visitors in February but have had that during the first week of March 2010; website had 5,520 hits; the Regional Tourism Committee met Thursday to look at the draft of the new regional brochure – it was reported that the Chamber’s site was #2 to Google in leads to the Virginia Piedmont site; Virginia Piedmont ad is in this month’s edition of Good Housekeeping magazine; attended the SNP (Shenandoah National Park) 75<sup>th</sup> Anniversary Committee meeting in Luray held on February 18<sup>th</sup>; applications are still coming in for the year for the Taste of the Mountains Festival – working on request letters and preliminary entertainment; she also advised there will be a tulip festival in Brightwood that will begin in April 2010 (organic tulip grower).

## **IN RE: COUNTY FACILITIES**

Lisa Robertson, County Administrator, advised that Ross Shifflett, Director of Facilities, will be absent from today’s session due to illness; however, a monthly report has been provided for the Board’s review.

### **Forestry Grant:**

Lisa Robertson, County Administrator, informed the Board that Ross Shifflett, Director of Facilities, and the local Forester have worked together to attain a Forestry Grant that will provide funding for the planting of a large number of trees (seedlings) and shrubs at Hoover Ridge; she provided a diagram of the proposed planting area (at Hoover Ridge) and stated the grant totals about \$6,500.00 to \$6,700.00 and is



“one-hundred percent “ (100%) grant funded in that the funds must be expended and the County will be reimbursed for the total amount; she also stated most of the trees/shrubs (seedlings) are being donated and since the seedlings will be relatively small, tubing may be needed to enhance the early growth process. Additionally, she stated the Youth Sports Program has indicated a willingness to put up the money (if approved by the Madison County Board of Supervisors) and have also asked permission to donate labor.

Jerry J. Butler asked if the trees will be donated by the Department of Forestry and whether any of the trees are flowering or fruit trees.

Lisa Robertson, County Administrator, stated there will be two-hundred and fifty (250) persimmon trees, several different varieties of oak, birch, locust, sycamore, and short leaf pine trees; she stated the seedlings will be donated by various businesses (some local) and stated the Department of Forestry would like to focus on larger trees rather than flowering trees.

Jerry J. Butler suggested the Department of Forestry be encouraged to look at using some flowering trees for the spring and the colored leaves in the fall, and feels it would be nice to have a year-round “park like” environment at the location.

Lisa Robertson, County Administrator, stated the shrubs that will be placed will provide some color (blossoms).

Pete J. Elliott asked if the proposed area has been designated for anything else in the future which may require the trees/shrubs to be removed.

Lisa Robertson, County Administrator, stated she did not foresee where the corridor will be a primary location for any future development (i.e. sketch of area provided for review).

Pete J. Elliott also asked if the County moves forward with planting the seedlings and the area can no longer be mowed, what impact will this cause; he also questioned whether weeding will be necessary in the area until the area becomes enough of a ‘forest.’

Lisa Robertson, County Administrator, stated there might be a future issue as to what level of maintenance the area will require; she stated the proposed area is away from the playing fields and would not require mowing like the areas that are closer to the playing fields; she also stated the seedlings will be planted closely together.

Pete J. Elliott also verbalized concerns as to whether the proposed planting will have any effect on bike/hiking trails in the future, and also what will happen should a drought situation occur once the seedlings are planted; he feels this is a good idea but doesn't want to see the County have to provide funding to maintain the proposed area.

Lisa Robertson, County Administrator, stated there are no trails in the proposed planting areas; she also stated the Department of Forestry feels these types of trees are species that can survive under natural conditions, therefore, it is anticipated these are trees that will "either make it or not" under natural conditions. Additionally, she stated that neither the representative from the Department of Forestry or Ross Shifflett, Director of Facilities, have verbalized any protective maintenance concerns that that are incorporated into the proposed grant.

James R. Hale was present and stated the trees that have been selected for planting are very slow growing trees; he also stated the grass in the area will need to be stripped or else it will overtake the seedlings. Additionally, he stated these types of trees will require much hand labor in order for them to prosper. In closing, he questioned the location in which the proposed trees will be planted.

Lisa Robertson, County Administrator, projected a map of the location in which the proposed seedlings will be planted and also advised the area is quite a distance from the existing playing ball fields.

Chairman, Eddie Dean stated there is a ridge through the area where the proposed seedlings will be planted; however, the site also has some existing trees that are already in place.

**IN RE: SOCIAL SERVICES & CSA**

Lisa Robertson, County Administrator, advised that Nan Coppedge, Director of Social Services, will also be absent from today's session; she has provided a monthly report for the Board's review.

**IN RE: E911**

Robert Finks, Director of Emergency Communications was present and provided the following report for February 2010: the month of February was very hectic and rescue calls were also heavy; also stated that Madison County has a very good working relationship with the Madison Office of the Virginia Department of Transportation and that two (2) of the personnel have radios in their trucks which allow dispatchers from the E911 Center to communicate directly with them.

**IN RE: EMERGENCY PREPAREDNESS**

Carl Pumphrey, Director of Emergency Management Services, provided a report for the month of February 2010: spoke with representatives from the Virginia Department of Emergency Management regarding the recent fuel spill that occurred at the bus shop (Madison County Public School System) and they are working on means to recover a portion of the costs associated with the spill (in conjunction with FEMA); a bill was submitted to the Virginia Department of Emergency Management and FEMA (second snow storm) which totaled \$7,584.00 – will be meeting with representatives from FEMA later during the month; also stated that a table top exercise will be scheduled within the coming months at the Madison County Fire Department on wildfires – will have members of the regions emergency teams and from surrounding localities, the Department of Forestry and the National Park Service present along with representatives from the Virginia Department of Emergency Management – may also use some of the County Department Heads for role-playing – will keep the Board up-to-date on the actual date of the exercise; also stated this exercise will assist the County in meeting requirements for planning.

**IN RE: EMS CAREER**

Lewis Jenkins, Director of Emergency Medical Services, was present and provided the following report for February 2010:

Total calls toned: 93

Total calls handled: 82

Total calls, no response: (11) – [(9) Greene calls and (2) Orange calls for mutual aid assistance were not answered]

Avg. in-County response time to the scene: 12 minutes (inclement weather conditions)

Night coverage: (11) hours of night coverage on (19) nights

Total calls handled: 14

Lewis Jenkins, Director of Emergency Medical Services, stated there were a number of calls that exceeded the normal response time as a result of the severe weather conditions; also stated that CPR regulations have changed significantly for 2010.

**IN RE: LAW ENFORCEMENT & COURT SECURITY**

Erik Weaver, Sheriff, provided the following report for February 2010:

- |    |  |            |
|----|--|------------|
| 1. | Calls for service:                       | 813        |
| 2. | Criminal arrests:                        | 38         |
| 3. | Civil process:                           | 305        |
| 4. | Days of Court:                           | 10         |
| 5. | Crimes Reported (to Sheriff's Office):   | 45         |
| 6. | Traffic Related Summons:                 | 117        |
| 7. | Court security fees (paid) to Treasurer: | \$2,448.19 |
| 8. | Local fines paid to Treasurer:           | \$8,198.06 |

Erik Weaver, Sheriff, also included a report for part-time highway and court security and special events (i.e. basketball games, security, TDO & Juvenile Detention Transports); also stated there was a reduction in funding from the Compensation Board totaling \$40,000.00; however, during the past week, a notice was received from the

Compensation Board that indicated they have come up with a justice grant for \$40,000.00 that will be returned to Madison County – paperwork is in the process of being completed and it is anticipated these funds will be returned to the County within the coming weeks.

Erik Weaver, Sheriff, also stated that Mrs. Beverly Herroy, President of the Battlefield Piedmont Regional TRIAD Association was present.

Mrs. Herroy stated that she has a certification she'd like to present to Jerry J. Butler in appreciation and recognition of the excellent service he has demonstrated to the TRIAD Program (i.e. past President) and also stated he has done an incredible job with the TRIAD Program; she stated the region covers eight (8) Counties and workshops (in the past) have been attended by about two-hundred (200) individuals.

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.

#### **IN RE: JOURNEY THROUGH HALLOWED GROUND PARTNERSHIP** (Request for Endorsement of the Sesquicentennial Living Legacy Project – Cate Magennis/Wyatt, President)

Chairman, Eddie Dean stated the Board will now have a presentation from Cate Magennis-Wyatt from the Journey Through Hallowed Ground Partnership.

Cate Magennis-Wyatt, President from the Journey Through Hallowed Ground Partnership, was present and greeted the new Board Members; she also provided an update on the entire 180-mile corridor from Monticello to Gettysburg having been designated as a National Scenic Byway, which is the 99<sup>th</sup> road in the Country to have that designation; she stated she was unsure if the County of Madison was planning to make an application through the Scenic Byway Funding Ground that has recently opened along Route 15, but, if so, each community 'higher ranked' when considering which applications are worth; she also stated that a new book has been published entitled, "Honoring Our Past" which recognizes the 3.5 years of research that has been gone into the recognition of the contributions made by African Americans who have lived

throughout the corridor and what these contributions have made to the communities and the Country; the partnership is also working with Woodberry Forest School to create the first residential camp for students from all over the region and Country for a two-week experience – this will be offered next summer; she also stated the partnership has been focusing on the opportunities to include all partners in the sesquicentennial of the civil war approaching and have recognized this as being an “Olympic moment” and the partnership is hoping to experience an increased number of visitors to the National Parks and have done extensive research to determine what the visitors want to do once here, and how the partnership can engage these visitors to spend more and leave with many reasons to return again in the future. Additionally, she stated that an economic impact analysis has been performed within the industry along the corridor and the impact of encouraging visitors to come to the National Parks has the potential to equate about \$274,000,000.00 in additional revenue annually. As a result, programs have been developed (i.e. Tourism Ambassador’s Program) which will provide training to individuals who will be better able to interact with visitors and make an ordinary experience an extraordinary one; also, this program is being offered to the citizens of Madison County if there is an interest (training recently conducted in Charlottesville) – this training has been taking place almost daily with a goal to train at least 4,000 individuals before the sesquicentennial and another 6,000 during the commemorative period.

Cate Magennis-Wyatt also stated that all communities (in honor of the sesquicentennial) are being asked to create a ‘legacy program’ or a project, and many communities have indicated that doing something collaborative would be more advantageous; therefore, the partnership is proposing to pursue determining whether there is an interest in planting a ‘living legacy’ and plant one (1) tree for each of the men who died in the battle and march the trees along the entire corridor as a ‘living legacy’ which can be a powerful reminder of the sacrifices that have been made to create the United States of America. She also stated the partnership isn’t asking for any funding, nor will there be any trees planted on anyone’s personal property, but only where people want them to be, and will also be in coordination with the Virginia Department of

Transportation, the Maryland Department of Transportation and the Pennsylvania Department of Transportation on identifying their right-of-way and devise a general agreement to work collaboratively in achieving this goal. In closing, she stated the American Chestnut Foundation has offered to donate 200,000 trees to the cause which will consist of Chestnut, (Sugar) Maple, Redbud and Dogwood Trees which will bring for the beautiful blooms in the spring season.

Jerry J. Butler asked if the program will provide any side routes through Madison County or will it consist of a straight shot through Route 15.

Cate Magennis-Wyatt stated she feels that travelers on the National Scenic Byway will more than likely venture along many routes and it has also been suggested the trees be planted in various other places; she also stated the venture could be developed into a national service learning project that will teach students the names of individuals who fought during the civil war that lived within their own communities, thus, possibly encouraging the dedication of a tree 'in honor' of the fallen soldier(s).

Cate Magennis-Wyatt stated the preliminary budget estimates that fifty percent (50%) of funds raised will go toward the maintenance of the trees.

Jerry J. Butler also questioned if literature would be provided for tourists and whether there will be locations within Madison County denoted as a suggested alternate sight to visit.

Cate Magennis-Wyatt stated the partnership is working on a travel guide and also on GPS navigational points to help travelers become aware of what they might not want to miss seeing; she feels these efforts will enhance the cultural base of communities and promote the cause.

Cate Magennis-Wyatt also provided a listing of other Boards that have passed a Resolution to support the effort.

Chairman, Eddie Dean stated there is a copy of the proposed Resolution in today's notebooks for review.

On behalf of the members of the Madison County Board of Supervisors, Chairman, Eddie Dean thanked Cate Magennis-Wyatt for today's presentation; however, today has been the first exposure to the Journey Through Hallowed Ground Partnership for three (3) of the existing Board Members; therefore, he stated they will be given an opportunity to read over today's material and action will be taken at a later time.

**IN RE: ORDINANCE #2010-1 To Designate the Private Roads Within Malvern of Madison Subdivision as Highways for Law Enforcement Purposes**

Chairman, Eddie Dean stated that a Public Hearing has already taken place on the proposed Ordinance #2010-1, and a copy of the document is in today's notebooks for discussion and possible action.

Chairman, Eddie Dean asked V. R. Shackelford, III, County Attorney, if he had any further comments, to which V. R. Shackelford, III, County Attorney, indicated he did not.

Chairman, Eddie Dean offered the representatives from the Malvern Subdivision an opportunity to present any additional information on tonight's proposal.

Ed Johnson was present on behalf of the Malvern Homeowner's Association, and stated this issue has been on the table for quite a number of years; he also stated that the STOP signs and speed limit signs have been suggestive, at best – either motorists follow the signs or they don't. Additionally, he stated on behalf of the Malvern Homeowner's Association, it is suggested the Madison County Board of Supervisors consider passing today's Ordinance #2010-1.

Jerry J. Butler questioned if the engineers involved with the recent study at the Malvern Madison Subdivision are confident that the proposed Ordinance would be effective in court in the event that a vehicle is stopped for a traffic violation and it is later discovered the vehicle was used in the commission of a serious violation (i.e. burglary).

V. R. Shackelford, III, County Attorney, advised the Engineer (involved with the Malvern of Madison Subdivision) can only make sure the stop signs are in compliance; he also indicated the actual Ordinance is protected by an enabling statute and feels the normal laws in place within the Commonwealth of Virginia would be effective.



Pete J. Elliott stated, if Ordinance #2010-1 is adopted for enforcement, the majority of individuals affected will be the residents within the Malvern of Madison Subdivision; therefore, he questioned if the residents decided to “vote it out”, what will occur.

V. R. Shackelford, III, County Attorney, advised the residents couldn’t “do away” with the Ordinance #2010-1; in the event the proposed Ordinance is adopted tonight, only the Madison County Board of Supervisors can rescind the Ordinance.

Pete J. Elliott wanted to clarify that action as denoted in Ordinance #2010-1 will only be carried out should when local law enforcement are within the area and that law enforcement will not be sent upon request.

Chairman, Eddie Dean stated it didn’t appear to be anything in the request presented by the Malvern of Madison Subdivision that mentions any request(s) for dedicated deputies, extra patrol, or anything of that nature.

V. R. Shackelford, III, County Attorney, stated that Erik Weaver, Sheriff, has made the above referenced issue very clear during a prior meeting.

Gerald Monet, President of the Malvern Homeowner’s Association was present and stated he shared all the concerns presented tonight; he also advised the concern of Malvern Homeowner’s Association is safety, as there are too many residents who don’t pay attention to the stop signs, as well as many visitors; he also stated that law enforcement are readily called to the scene for traffic incidents that occur within Madison County, and it is anticipated the same type of service will be provided for the residents of the subdivision should the proposed Ordinance #2010-1 be approved tonight. In closing, he stated if a vehicular accident occurred in the subdivision at the present time, it would take an act of civil litigation before any fault could be placed on those involved, as law enforcement cannot presently cite violations in the area.

Charles Egan was present and stated he is a resident of the Malvern of Madison Subdivision, and stated he lives on Malvern Drive which he refers to as “the drag strip” – he stated drivers speed and have come into his yard as a result; he also stated he fears for his safety as well as for his family, therefore, he encouraged the Board to approve Ordinance #2010-1.

Chairman, Eddie Dean advised Mr. Egan that the Board held a Public Hearing on tonight’s issue during the February Regular Meeting and advised that his comments would have

been more appropriate to be presented at the Public Hearing rather than during tonight's forum that was held in February 2010 in order to meet the State requirements.

Chairman, Eddie Dean asked Mr. Egan if he was "for" or "against" the approval of the proposed Ordinance #2010-1, to which Mr. Egan advised he was "for" the approval of the request.

**ORDINANCE TO DESIGNATE THE PRIVATE ROADS WITHIN  
MALVERN OF MADISON SUBDIVISION AS HIGHWAYS FOR LAW-  
ENFORCEMENT PURPOSES  
ORDINANCE NO. 2010-1**

WHEREAS, Virginia Code Section 46.2-1307 (1950, as amended) authorizes the Madison County Board of Supervisors to designate by ordinance the private roads within any residential development containing 100 or more lots or residential units as highways for law-enforcement purposes;

WHEREAS, the Malvern of Madison Subdivision is an eligible residential development for such designation; and

WHEREAS, the Madison County Board of Supervisors determines that such designation would be in the best interest of Madison County, Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Madison County Board of Supervisors that the private roads within the Malvern of Madison Subdivision are hereby designated as highways for law-enforcement purposes. Road signs and speed limits for said roads shall be certified by a private license traffic engineer using criteria developed by the Commonwealth Transportation Commissioner.

ENACTED this 9<sup>th</sup> day of March, 2010, on motion of J. Dave Allen, seconded by Jerry J. Butler.

Madison County Board of Supervisors

By: \_\_\_\_\_  
Eddie Dean, Chairman

|                    | Aye          | Nay   | Abstain | Absent       |
|--------------------|--------------|-------|---------|--------------|
| Eddie Dean         | <u>  x  </u> | _____ | _____   | _____        |
| James L. Arrington | _____        | _____ | _____   | <u>  x  </u> |
| J. Dave Allen      | <u>  x  </u> | _____ | _____   | _____        |
| Jerry J. Butler    | <u>  x  </u> | _____ | _____   | _____        |
| Pete J. Elliott    | <u>  x  </u> | _____ | _____   | _____        |

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Lisa A. Robertson  
County Administrator

**OLD/NEW BUSINESS**

**IN RE: COURTHOUSE PROJECT**

Chairman, Eddie Dean stated the Board will now move onto discussions involving the Courthouse Project.

Eric Amtmann, Architect, was present and provided the following information:

- 1) Letter from the firm (Dalglish, Gilpin & Paxton, Architects)
- 2) A letter from Warren Flynn Construction Company that denoted a projected completion date for the project of April 22, 2010
- 3) A change-order summary (#16, #17 and #18)

Eric Amtmann, Architect, stated that as the result of a work session he participated in along with Lisa Robertson, County Administrator, V. R. Shackelford, III, County Attorney, and Members of the Madison County Board of Supervisors, a discussion was held regarding the anticipated completion date for the Courthouse Project, and it was suggested the County continue discussions for an actual completion date and whether there will be general conditions as a result of the aforementioned projected date.

Eric Amtmann, Architect, advised the primary focus today will be on change-order #16 (site work) and #17 (miscellaneous), and also provided information regarding:

- 1) The parking spaces in Washington Circle (on the east side of the structure facing Main Street);
- 2) Deletion of a ramp and removal of the retaining wall in order to re-pave the sidewalks along the Main Street;
- 3) Landscape deletions (i.e. handrails, green scene);
- 4) Work to be done by Holliday Contracting (i.e. concrete, drains, demo, HC)
- 5) Option Item (to be considered) to have a topcoat with 1.5" overlay and credit seal coat included on the south side of the structure.

In closing, Eric Amtmann, Architect, advised the above reference items are deemed to be 'critical path' items and suggested the Madison County Board of

Supervisors consider approving change-order #16 in it's entirety with the exception of the last item listed (i.e. topcoat with 1.5" overlay and credit seal coat) which will result in a credit of \$1,842.00 instead of an addition of \$9,005.33, which will result in a approval of the change-order being just slightly above \$32,000.00.

Eric Amtmann, Architect stated that change-order #17 contains information pertaining to the elevator shaft equipment closet, and also explained the additional items denoted on the change-order sheet pertaining to the above referenced change-order; he did advised that item 4 in the change-order actually relates to change-order #12 and will result in a credit of \$4,700.00 due to the refiguring of the public lobby that resulted in a change that cost less in the long run.

Eric Amtmann, Architect, advised the entire change-orders will result in a reduction of about \$10,000.00 (roughly) based on today's information.

J. Dave Allen verbalized concerns on change-order #15 for Holliday Construction that denotes "change-order #11, #13 and #15" and why the costs are different than what is noted for this project as listed during the month of January 2010.

Eric Amtmann, Architect, explained the above referenced change-orders are the general contractor's form change-order format system and these are not related to the change-order numbers as denoted on the log presented.

Chairman, Eddie Dean stated it appears the County is 'between a rock and a hard place.'

Pete J. Elliott asked V. R. Shackelford, III, County Attorney, what would be the consequences if the Board doesn't approve today's change-orders as presented.

V. R. Shackelford, III, County Attorney, stated it appears the items being discussed today are 'critical' and if there are required change-order items and they are not approved, this would hold up the completion of the project which isn't in the County's best interest. Additionally, as discussed in today's work session, it was advised for the Board to consider approving the 'critical' items but not to take any action that would change the contractual substantial completion, and continue discussions for change-order #18 and the negotiations of liquidated damage at another time.

In closing, V. R. Shackelford, III, County Attorney, stated some of the items

discussed today are ‘critical path’ items and he feels a risk will be encountered should the Board not approve them during today’s session.

Additionally, V. R. Shackelford, III, County Attorney, stressed to the Board that when an architect feels items are valid, there is a risk of having the contractor declare this as a factor for holding up completion of the project, therefore, as discussed in today’s workshop, it was felt the proper recourse of action will be for the Board to determine which items included in today’s change-orders are ‘critical path’ items – if these are approved, it should also be denoted that the County does not intent to change the contractual completion date for the project.

In closing, V. R. Shackelford, III, County Attorney, also stated it is denoted in the contract documents that a substantial completion date was January 22, 2010, which has passed and this is an issue the Board will have to work out with the contractor; he also noted the County has been withholding five percent (5%) throughout the project.

Eric Amtmann, Architect, advised the five percent (5%) is standard as required by the AIA.

Jerry J. Butler questioned the subtotal listed for change-order #16 and #17 as being less than what is denoted on today’s log, to which it was denoted that change-order #16 will total a little over \$32,000.00 (rather than \$43,000.00) and less than \$10,000.00 for change-order #17.

Pete J. Elliott asked if the Board decides to approve the change-orders as presented today and the contractor brings additional change-orders for approval within the next week or so, and how can this be remedied.

V. R. Shackelford, III, County Attorney, stated the contractor wants to finish the job as soon as possible; however, the longer the project continues, there is a greater potential for issues to come forth.

Pete J. Elliott advised he feels this is ‘not the end of it.’”

V. R. Shackelford, III, County Attorney, stated during the recent discussion, it was felt by all (including the Architect) that once the contractor got past the ‘critical path’ issues, the project could move forward to completion with a potential date of the first part of April 2010.

Eric Amtmann, Architect, advised the only item that he (and the contractor)

is aware of at the present time involves a change-order for the gutters on the historic Courthouse and Clerk's Office that was damaged by the snow.

Pete J. Elliott stated he feels the contractor should be responsible for the above referenced issue, as the building doesn't yet belong to the County and the contractor should have 'builder's risk insurance.'

Eric Amtmann, Architect, advised this is certainly a possibility; however, he wanted to advise this was the only additional issue that has been brought forth.

Chairman, Eddie Dean stated he feels the County needs to send the contractor a letter denoting that at no time has the Madison County Board of Supervisors approved a change from the January 22, 2010 date for substantial completion, and even though the Madison County Board of Supervisors has approved some change-orders, there were no requests for an extension of time in any of those change-orders; therefore, the Madison County Board of Supervisors is expecting the completion date to remain as indicated.

V. R. Shackelford, III, County Attorney, advised if the County wants to maintain the position with the contractual completion date of the project, the County might also want to identify the items that the architect denotes as being 'critical' to the completion of the project, as the County does not want to delay completion by not approving these issues.

Chairman, Eddie Dean suggested if the Madison County Board of Supervisors makes a motion to include the change-orders presented today, there should be some inclusion in the motion that "these change-orders are being approved because these items are necessary for completion."

Eric Amtmann, Architect, stated that he was comfortable with the above referenced clause.

J. Dave Allen if the action the Madison County Board of Supervisors is preparing to take would impact any ability to seek liquidated damages for this project.

V. R. Shackelford, III, County Attorney, advised the County would like to see the project completed without having to take any litigation for liquidated damages, as the County is not prepared to resolve this issue; he also stated the Board will have to approve the delay in the completion date and the rationale for such, and formulate (with

the architect) some provisions that will not jeopardize the conditions in place regarding the initial completion date.

V. R. Shackelford, III, County Attorney, also clarified the County, contractor and architect have maintained a good relationship to date and have worked well together, and he also reiterated the liquidated damage provision in the contract and the fact that the substantial completion date has passed. Additionally, he stated the contractor has advised that past inclement weather conditions were the cause of the present delay and weather delays are a legitimate issue.

Jerry J. Butler asked if the letter would be mailed to the contractor later this week, to which V. R. Shackelford, III, County Attorney, advised if the Board approves the change-orders being presented today (with a form) and as per the decision of the working committee, a letter will be sent to the general contractor to reiterate the Madison County Board of Supervisors' concerns regarding issues discussed during today's meeting forum.

Eric Amtmann, Architect, stated that he concurred with the aforementioned statement and also advised that he will immediately communicate the Board's concerns to the general contractor and also suggested these concerns be sent from the "owner" directly.

Pete J. Elliott advised that all parties need to understand that if today's change-orders are approved, "it is done" and the Board cannot return to make changes... 'it's a done deal.'

V. R. Shackelford, III, County Attorney, concurred with the aforementioned statement made by Pete J. Elliott and advised the Board will be approving the amount of today's change-orders and there cannot be an 'effective' change-order unless the Board agrees to the amount.

Jerry J. Butler asked if it would be possible to go through each item in change-order #16, to which V. R. Shackelford, III, County Attorney, suggested this should be determined by the Architect; however, the working committee already addressed these issues at a meeting earlier today.

Chairman, Eddie Dean stated in order to meet requirements as established in the Virginia Code, some of the items denoted in today's change-orders are necessary; however, as to whether the pricing provided is fair cannot be determined by the Board.

Pete J. Elliott questioned the brick versus paving concern that was addressed in today's meeting and advised that in order to provide required accessibility (for handicapped individuals), the right cross pitch and grade must be in accordance with ADA requirements, which they currently are not.

Jerry J. Butler asked if the concrete was being redone in order to provide required ADA access, to which Lisa Robertson, County Administrator, advised the area will be parallel to Main Street.

J. Dave Allen questioned that the architect and contractor should have been aware of the Virginia Code regarding ADA requirements.

Chairman, Eddie Dean stated the Board approved a change in how handicap access would be provided for the new building; this was implemented because of some possible underpinning problems from tearing down a retaining wall to put in a handicap access area; this change was accepted and it was felt that (due to expense) it would probably cost the same amount in a change-order to perform underpinning of the Clerk's Office. Additionally, it was noted that once the change-order was done, the brick paved area had to be reassessed to run parallel to Main Street from a different perspective (this area was initially sought as being a sidewalk without having any ADA requirements in the original construction), but when access was changed, the area had to be in compliance.

In closing, Chairman, Eddie Dean stated that Wes Smith, Building Official, has assessed the area and determined it would be non-compliant if it had been left as it originally was.

Jerry J. Butler asked in the event the Board did not agree with a particular line item and allocated less money than what is listed, would it be feasible to opt for later negotiations.

Eric Amtmann, Architect, advised this could only be accomplished in the event an agreement is attained with the contractor, and also depends on how the item is being negotiated.



Jerry J. Butler questioned the change-order that pertains to the elevator shaft, to which Chairman, Eddie Dean advised has already been excluded from today's discussion as it is not deemed to be a 'critical path' item.

Eric Amtmann, Architect, also stated that a majority of the work related to the aforementioned item could be authorized within a week or so.

Jerry J. Butler asked for an explanation of "concrete drains, demo and HC" and why that is necessary at a cost of \$10,000.00 (i.e. change-order #16).

Eric Amtmann, Architect, stated the items listed pertain to the concrete underneath the sidewalks, drainage inlets in the sally port driveway, or the ramps on the left side of the structure – these are all site related items that assist with drainage of the actual concrete slab itself.

Jerry J. Butler asked if the above referenced items were included in the original drawings and estimate, to which Eric Amtmann, Architect, advised that some were and some were refigured

Eric Amtmann, Architect, also provided an overview of recommendations made by the contractor regarding maintenance concerns (i.e. trench drain) that were sought to provide more detail. .

Pete J. Elliott asked if the trench drain was installed, the other drain will be eliminated, but there is no credit to denote this on this on the change-order.

Eric Amtmann, Architect, referred to the first item denoted in change-order #11 (Holliday) and stated this involves the trench drains along the side of the structure; the trench drain at the bottom can be exchanged in place of a droplet.

Pete J. Elliott stated the County was led to believe there would only be one (1) trench drain.

Chairman, Eddie Dean also stated it has been the practice of the Madison County Board of Supervisors (to date) to approve the change-orders/amounts, and have Eric Amtmann, Architect, continue to negotiate for the best possible pricing.

Eric Amtmann, Architect, stated he will certainly try to continue negotiations and feels there is a possibility for reductions; he also stated if there is anything the Board is uncomfortable with (i.e. elevator shaft), he recommended these items not be approved today. In closing, he advised that nothing is 'said and done' until the final change order

is signed by him (self), Lisa Robertson, County Administrator, and the general contractor. Additionally, he noted that pricing will not go beyond what is approved; if something is found to be of a lesser amount in the coming days, a change-order can be implemented to denote the lesser amount.

Jerry J. Butler stated he would like to see the project completed on time, if possible; he also stated he was unsure as to how much money is being requested, to which Chairman, Eddie Dean clarified the amounts as being slightly less than \$33,000.00 for change-order #16 and little less than \$11,000.00 for change-order #17 – the Board will hold off on the elevator shaft and equipment closet (change-order #18) at this time, as it will be discussed at a later time.

Lisa Robertson, County Administrator, suggested the Board also add a clause to today's motion as "not to exceed" when denoting an amount for each change-order being approved today.

Chairman, Eddie Dean asked V. R. Shackelford, III, County Attorney, if the County excludes itself as not being a part of the problem by not approving the change-order(s) for 'critical path' items, the County will essentially be taking away any negotiating power, to which V. R. Shackelford, III, County Attorney, advised it is hoped the County has enough leverage to negotiate with the contractor on the issues presented today.

Pete J. Elliott stated that although Eric Amtmann, Architect, stated these items are 'critical path' but at no time was he asked by the general contractor to take action on these issues.

V. R. Shackelford, III, County Attorney, stated the general contractor has had Eric Amtmann, Architect, to submit all necessary change-orders.

Eric Amtmann, Architect, advised that written correspondence has been forwarded from the general contractor; however, the Architect serves as the conduit for the general contractor.

V. R. Shackelford, III, County Attorney, stated there will be problems if the contract isn't adhered to.

Jerry J. Butler asked V. R. Shackelford, III, County Attorney, what he felt would be sufficient wording to approve change-orders #16 and #17, to which V. R. Shackelford, III, County Attorney, did provide.

After discussion, on motion of Jerry J. Butler, seconded by J. Dave Allen, the Board approved the following change-orders (#16 and #17) for the Courthouse Project as presented by Eric Amtmann, Architect, on behalf of the general contractor, Warren Flynn Construction, Company as follows:

Change-order #16 for an amount not to exceed: \$43,035.74 less \$9,005.33

Change-order #17 for an amount not to exceed: \$20,476.84 less \$10,148.00

With an exact amount to be determined by Lisa Robertson, County Administrator; the change-orders will not change the contractual date of completion for the project and the Board will also elect Lisa Robertson, County Administrator, and V. R. Shackelford, III, County Attorney, to write a letter to the general contractor (Warren Flynn Construction Company, Inc.), emphasizing the need to come to contractual completion date of January 2, 2010, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Nay    |

Jerry J. Butler suggested the working committee continue negotiations in an attempt to resolve these issues as quickly as possible.

Chairman, Eddie Dean suggested the Board continue this meeting until next Wednesday, March 17, 2010 at 12:00 in order to discuss any issues that may arise with the Architect and general contractor.

Pete J. Elliott stated that he wants to see the project completed as much as anyone else does, but he cannot support today's request.

Chairman, Eddie Dean stated he would like to see the Courthouse Project completed and done in March 2010 and also stated that January 2, 2010 was the initial date of substantial completion and he feels the County has been 'more than kind.'

Chairman, Eddie Dean recessed the meeting for five (5) minutes.

Chairman, Eddie Dean reconvened the meeting.

J. Dave Allen asked if action would be taken on the request by Cate Macgennis-Wyatt, to which Chairman, Eddie Dean suggested the information be reviewed during the break in order to allow all new members of the Board the opportunity to become familiar with what is being requested; however, if there is a desire to move on that issue at the present time, this can be accomplished.

Pete J. Elliott stated he read an article in the local newspaper that mentioned the fact that the Board had suggested establishing a day during the week when citizens can come and verbalize their concerns to the Board.

Jerry J. Butler asked if the auditorium would be available on a Saturday from 8:00 a.m. to 10:00 a.m.

Lisa Robertson, County Administrator, suggested the Board members determine a schedule and advise of such; she also stated the auditorium does have an alarm, but a code can be provided.

Jerry J. Butler stated he was willing to start these meetings in April on a Saturday from 8:00 a.m. to 10:00 a.m. – he also asked that another Board member join him, as well as a member of the Madison County School Board. In closing, he stated he will move forward with the arrangements.

Pete J. Elliott suggested the Board have this meeting at least once a month and also inform the public of these sessions.

Chairman, Eddie Dean suggested that either the 1<sup>st</sup> or 2<sup>nd</sup> Saturday be set aside so that citizens can coordinate the date into their plans, and also suggested that an evening session be incorporated into the schedule.

After discussion, Pete stated that he would like to schedule a session on an evening during May.

Chairman, Eddie Dean suggested the session be held following the Madison County Planning Commission Workshop session; however, it was noted that the Commission is starting to work on the Comprehension Plan and their Workshop sessions are running a bit longer than usual.

After discussion, Pete J. Elliott scheduled an evening meeting, along with Chairman, Eddie Dean, to be held on the second Wednesday in May from 7:00 p.m. to 9:00 p.m. in the auditorium.

Lisa Robertson, County Administrator, advised she will add this information to the County's website; she also stated that advertising in the local newspaper is very expensive; therefore, notices of these meetings will be posted at the County offices as well.

Aerin Curtis, Reporter, was also asked to denote these meetings in the "meetings" section of the Madison Eagle.

#### **IN RE: MINUTES**

Chairman, Eddie Dean advised that Minutes #4, #5, #6, #7, #8 and #9 will need to be approved.

On motion of J. Dave Allen, seconded by Jerry J. Butler, Minutes #4, #5, #6, #7, #8 and #9 are approved as submitted and spread in Minute Book #17, page , through page , with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment

James R. Hale was present and asked when the Public Hearing will be scheduled to receive public input on the FY2011 Budget.

Chairman, Eddie Dean stated the Public Hearing will be scheduled for Monday, March 29, 2010 at 7:30 p.m. in the auditorium.

James R. Hale stated there was an article in the local newspaper that indicated the Board will approved the FY2011 Budget on April 13, 2010, therefore, he questioned whether any public input provided on March 29<sup>th</sup> will have much bearing or be considered.

Chairman, Eddie Dean stated there will be about two (2) weeks before the Board will make a final decision on the FY2011 Budget – this will allow the Board sufficient time to make any necessary changes at the Joint Meeting, or if necessary, the

Board can continue a meeting after the commencement of the Public Hearing to take any action that might be necessary after citizen input is received

. Chairman, Eddie Dean stated the Board is required to allow a certain number of days following the Public Hearing before a vote can be taken on the FY2011 Budget.

Chairman, Eddie Dean recessed the meeting until 7:30 p.m.

.....

**7:30 P.M.:** Meeting reconvened with Chairman, Eddie Dean calling the meeting to order and stated that a Quorum is present.

**IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.

**IN RE: DISCUSSION OF THE TRANSIENT OCCUPANCY TAX AS A POTENTIAL SOURCE OF REVENUE FOR MADISON COUNTY**

Chairman, Eddie Dean asked Lisa Robertson, County Administrator, to provide an overview of the Transient Occupancy Tax (as a potential source of revenue for Madison County) and how this came about.

Lisa Robertson, County Administrator, provided an introductory statement about the history of the Transient Occupancy Tax as a discussion/recommendation from the Finance Committee; she reviewed, with the Board, the memorandum prepared by her and V. R. Shackelford, III, County Attorney, dated March 3, 2010 and the various informational materials included as background information for the memorandum (i.e. legislative materials, enabling legislation).

Additionally, Lisa Robertson, County Administrator, suggested that a 'steering committee' be appointed to help develop an initial policy and/or to be active in monitoring revenue received and plans for such revenue, however, the Board will have to decide in what matter these funds will be utilized.

In closing, Lisa Robertson, County Administrator, advised the packet that was provided contained information found on the Chamber of Commerce website and the Virginia & State Department of Tourism, as well as pages from various localities and twenty-five (25) accommodations that fall within the coverage of the Transient Occupancy Tax.

Chairman, Eddie Dean then opened the floor for comments from the public.

Bill Hinkes of the Finance Committee was present and noted that the Transient Occupancy Tax has been discussed (by the Finance Committee) for a little over a year and added the following points:

- a) It's money from persons outside the County; and
- b) Everyone else is collecting it and we're (Madison County) missing out

Additionally, Bill Hinkes stated the Finance Committee was advised there was the potential to collect as much as \$30,000.00 (2% tax) and about \$80,000.00 to \$100,000.00 (5% tax); it was also noted that some of the funds would have to go toward tourism, but the first two percent (2%) would be "County money" and the remaining funds would be utilized for 'tourism.'

Bill Hinkes also stated that he spoke with the Commissioner of the Revenue in Greene County and was informed that Greene County recently began collecting a five percent (5%) tax and they have not experienced any problems thus far.

David Crow of the Finance Committee was present and echoed the comments made by Bill Hinkes, and feels the Transient Occupancy Tax will be an asset for Madison County.

Jimmy Graves of Graves Mountain Lodge was present and stated the Finance Committee has figured how the proposed Transient Occupancy Tax can benefit the County, however, they must also figure that new computers will need to be purchased (by businesses) in order to compute the tax (i.e. currently computers only charge a two

percent [2%] tax); he also advised that Graves Mountain Lodge will also have to consider sales tax, grocery tax and meals tax. Additionally, he also wonders how the Finance Committee figured on all this money coming into the County and provided the following information pertaining to his business:

- a) \$10,000.00 is about all that Graves Mountain Lodge would pay and he believes the Finance Committee is over-estimating potential revenues;
- b) Graves Mountain Lodge would have to buy new computers in order to implement the Transient Occupancy Tax in addition to the sales, meals and grocery tax already being collected;
- c) When a campground is involved, how will the County figure what rate is subject to tax (i.e. water/electricity) and also what will take place if a campground doesn't usually charge any rent but only a fee for water/electricity.

Jimmy Graves also asked if the County will determine whether the revenue collected will be utilized for the persons who work here (in Madison County) or solely be used to cover advertising to encourage individuals to visit Madison County; he also stated that visitors to his business have steadily declined over the past five (5) years and he also advised the Finance Committee that he will expect some definite answers to his questions before the proposed Transient Occupancy Tax is brought into place for Madison County.

Bill Hinkes stated the statistics on the Transient Occupancy Tax were provided during a previous meeting; he also stated the fees would be based on a 'normal year' of business; he also stated if a campground doesn't charge a fee, then there is no tax; he also stated he did not feel the proposed tax would require businesses to purchase new computers but might require additional software, which isn't very costly.

Jimmy Graves verbalized concerns that he did not want the five percent (5%) tax to be implemented (on local businesses) solely to 'pay a salary,' to which Bill Hinkes advised the decision as to how these funds will be utilized would not be made on the part of the Finance Committee, but the Madison County Board of Supervisors.

With no further comments being brought forth, Chairman, Eddie Dean closed



the discussion on the proposed Transient Occupancy Tax (as a potential source of revenue for Madison County).

# **IN RE: FORESTRY GRANT**

Chairman, Eddie Dean stated the Board will need to continue discussion the proposed Forestry Grant as presented by Lisa Robertson, County Administrator, for trees and shrubs to be planted at the Hoover Ridge site.

Pete J. Elliott asked how soon the trees would be planted, to which Lisa Robertson, County Administrator, advised would be during the month of March.

Pete J. Elliott questioned how soon does the Department of Forestry desire an answer in this issue, to which Lisa Robertson, County Administrator, advised that no planting can take place unless it is first approved by the Madison County Board of Supervisors.

Pete J. Elliott advised that he doesn't want to see the County have to put a lot of maintenance dollars into maintaining the plants.

J. Dave Allen stated if the seedlings are planted and don't survive, the area could be bush-hogged.

After discussion, on motion of J. Dave Allen, seconded by Pete J. Elliott, the Board approved Ross Shifflett, Director of Facilities, the authority to move forward with the planting of the seedlings/shrubs) at the Hoover Ridge site, with the understanding that there will be no County funds expended on maintenance of the area, with the exception of getting the plants started and maintaining the appearance of the area, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

With no further action being required by the Board, on motion of Pete J. Elliott, seconded by Jerry J. Butler, Chairman, Eddie Dean continued the meeting to Tuesday, March 16, 2010 at 12:00 p.m. at the Thrift Road Complex, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Absent |
| J. Dave Allen      | Aye    |
| Jerry J. Butler    | Aye    |
| Pete J. Elliott    | Aye    |

March 10, 2010